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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,458	06/05/2001	Craig F. Culver	IMM059A	6909
7590 06/01/2005			EXAMINER	
Kilpatrick Stockton 1001 West Fourth Street Winston-Salem, NC 27101-2400			WU, XIAO MIN	
			ART UNIT	PAPER NUMBER
			2674	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,458

Applicant(s)

CULVER, CRAIG F.

Examiner

XIAO M. WU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-34, 58-72 and 74-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-34, 58-72 and 74-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) .
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/25/2004 has been entered.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 23-27, 31, 33, 59-65, 67-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuenzner et al. (US Patent No. 5,956,016).

As to claim 23, 59, 67, 68, 70, Kuenzner discloses an apparatus (Fig.1) comprising: a manipulandum (5, 9) moveable in at least one degree of freedom; a sensor (13, Fig. 1, also see col. 2, lines 56-57) operable to detect a position of the manipulandum and a deviation of the manipulandum from the position and output a first sensor signal associated with the deviation of the manipulandum from the position; an actuator (13, Fig. 1, also see col. 2, lines 58-60) operable to provide tactile feedback to the manipulandum associated with the first sensor signal; and a first processor (not shown, see col. 2, lines 60-67) operable to control the actuator and to receive the first sensor signal from the sensor.

As to claim 24, Kuenzner discloses the manipulandum comprises a roller (Fig. 22, Fig. 6).

As to claim 25, Kuenzner discloses that the roller (22) communicates an electrical signal output to the first processor (not shown, see col. 3, lines 53-67).

As to claims 26, 27, Kuenzner discloses that the roller (22) is moveable in two degrees of freedom (col. 2, lines 53-56).

As to claim 31, Kuenzner discloses the processor included in a computer (see Fig. 7).

As to claim 33, Kuenzner discloses that the device is an electronic device.

As to claims 60-65, 69, Kuenzner discloses a position control mapping mode and to +control a rate of change of the value in a rate control mapping mode. For example, Kuenzner discloses that the electric motor 13 can be controlled by position detection, so that the motor, in a central motion area of pusher 9, in other words far from the stop provided by frame 7, applies a torque to toothed belt 12 and hence to pusher 9 that is directed opposite to the frictional torque produced by friction of the elements moved by the pusher 9 such as guide 6' and toothed belt 12. when pusher move toward frame 7, instead of a reinforcing torque, a torque can be applied that reinforces the action of these frictional torques by its own action. The operator then receives additional tactile feedback indicating the position of pusher within the entire movement range defined by the two stops on frame 7 (see col. 2, line 52 to col. 3, line 5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuenzner et al. (US Patent No. 5,956,016) in view of Stobbs (US Patent No. 5,631,669).

As to claim 29, it is noted that Kuenzner does not disclose a microphone. Stobbs is cited to teach an input device similar to Rosenberg. Stobbs discloses a microphone within the input device. It would have been obvious to one of ordinary skill in the art to have modified Kuenzner with the features of the microphone as taught by Stobbs so as to input a voice command to the computer.

6. Claims 28, 30, 32, 34, 58, 66, 71-72, 74-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuenzner et al. (US Patent No. 5,956,016) in view of Dunaway (US Patent No. 5,450,079).

As to claims 34, 66, 71, note the discussion of Kuenzner above. Kuenzner does not disclose that the device is a remote device in communication with a second processor. Dunaway is cited to teach a remote input device for controlling the menu or the screen which comprises a second processor (72). The second processor is a host computer which controls the first processor (e.g. the local processor 62) similar to applicant. It would have been obvious to one of ordinary skill in the art to have modified Kuenzner with the features of the remote input device as taught by Dunaway because Dunaway provide an input device can be operable in a free space.

As to claim 72, Kuenzner discloses that the roller (22) is moveable in two degrees of freedom (col. 2, lines 53-56).

As to claims 74-79, Kuenzner discloses a position control mapping mode and to control a rate of change of the value in a rate control mapping mode. For example, Kuenzner discloses

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that the electric motor 13 can be controlled by position detection, so that the motor, in a central motion area of pusher 9, in other words far from the stop provided by frame 7, applies a torque to toothed belt 12 and hence to pusher 9 that is directed opposite to the frictional torque produced by friction of the elements moved by the pusher 9 such as guide 6' and toothed belt 12. When pusher move toward frame 7, instead of a reinforcing torque, a torque can be applied that reinforces the action of these frictional torques by its own action. The operator then receives additional tactile feedback indicating the position of pusher within the entire movement range defined by the two stops on frame 7 (see col. 2, line 52 to col. 3, line 5).

As to claims 28, 58, Dunaway discloses the input device including a local display screen with touch panel

As to claim 30, Kuenzner's cursor control device could be used for playing game on the screen.

As to claim 32, it would have been obvious to include a Web-access device for Kuenzner since the Web-access can provide information to the user such as checking email, or searching.

Response to Arguments

7. Applicant's arguments filed 12/22/2004 have been fully considered but they are not persuasive. Applicant argues that Kuenzner does not disclose "a sensor operable to detect a position of said manipulandum and a deviation of said manipulandum from said position". This argument is not persuasive. Kuenzner clearly discloses "electric motor 13 can be controlled by position detection, not shown, so that the motor, in a central motion area of pusher 9, in other words far from the stop provided by frame 7, applies a torque to toothed belt 12 and hence to pusher 9 that is directed opposite to the frictional torque produced by friction of the elements

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moved by the pusher 9 such as guide 6' and toothed belt 12. When pusher 9 moves toward frame 7, instead of a reinforcing torque can be applied that reinforces the action of these frictional torques by its own action. The operator then receives additional tactile feed-back indicating the position of pusher 9 within the entire movement range defined by the two stops of frame'' (col. 2, line 60 to col. 3, line 5). Kuenzner further discloses it is also possible to detect a change in the position of actuator 18 and therefore of plate 19 and thus to obtain one of the screen elements selection on screen 3 (col. 3, lines 48-52). Thus, Kuenzner clearly teaches the position of the pusher and the deviation of the pusher from the previous position such as in the central motion area of the pusher. It is believed that Kuenzner still read on the claimed structures.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIAO M. WU whose telephone number is 571 272-7761. The examiner can normally be reached on 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD, can be reached on 571 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

x.w.

May 27, 2005


XIAO M. WU
Primary Examiner
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